

## REMARKS

Claims 1, 8 and 14 have been amended. Claims 1-20 remain pending. No new matter has been added.

## CLAIM REJECTIONS

### 35 U.S.C. §103(a)

#### Claims 1-7 and 14-20

Claims 1-7 and 14-20 are rejected under 35 U.S.C. §103(a) as being unpatentable by Allison et al. (6,094,531) in view of Meyer et al. (6,317,845). Applicant has reviewed the cited art and respectfully submits that the features of the present invention are neither taught nor rendered obvious by Allison et al. in view of Meyer et al.

Amended independent Claim 1 (Claim 14 recites similar features) recites,

A computer implemented method of automatic software testing comprising:

initiating a software test comprising a plurality of test portions on a test system;

providing status information about said software test running on said test system to a common information point, said status information comprising identification of any of said plurality of test portions that have been completed by said test system and any results from any of said plurality of test portions that have been completed;

automatically reinstalling an operating system on said test system in response to reinstall command provided by at least one of said plurality of test portions;

querying said common information point to determine said status information comprising identification of any of said plurality of test portions that were completed by said test system prior to said reinstalling of said operating system and any remaining of said plurality of test portions; and

resuming said software test at a first of said remaining of said plurality of test portions after said reinstallation of said operating system.

Support for the Claimed features can be found throughout the Figures and Specification including Figure 3 and pages 16-18 of the Specification.

**To establish prima facie obviousness of a claimed invention, all the claim limitations must be taught or suggested by the prior art. In re Royka, 490 F.2d 981, 180 USPQ 580 (CCPA 1974). (MPEP 2143.03).**

Applicants have reviewed Allison et al. and respectfully contend that Allison et al. fails to teach or suggest each and every element as set forth in the Claims.

In contrast, Applicant understands the Examiner on page 3 line 1 of the present Office Action Mailed 4/2/07 to state that Allison et al. does not describe reinstallation of the operating system. As such, Applicant submits that since Allison et al. does not teach or render obvious the reinstallation of the operating system in a test computer, that Allison et al. could not teach or render obvious any of the other claimed features directly related with an operating system reinstallation such as querying the common information point to determine any of the plurality of test portions that were completed by the test system prior to the reinstallation of the operating system.

Moreover, Applicant submits that since Allison et al. does not teach or render obvious the reinstallation of the operating system in a test computer, Allison et al. could not teach or render obvious the reinstallation of the operating system in the middle of a test comprising a plurality of test portions such that the testing is resumed on the remaining test portions.

Furthermore, Applicant respectfully contends that Meyer et al. does not overcome the deficiencies of Allison et al.

In general, Applicant understands Meyer et al. to teach, among other things, a way for a user to restart a computer by manually inserting a removable high capacity disk into the computer. Moreover, Applicant understands Meyer et al. to teach a solution to the problem of requiring users to remember additional commands and limited documentation and on-line help by incorporating a general user interface on his removable high capacity disk that guides the user through the recovery process. In other words, Applicant understands Meyer et al. to teach "recovery" not "testing."

As such, Applicant submits that since Meyer et al. does not teach or render obvious the reinstallation of the operating system in a test computer, that Meyer et al. could not teach or render obvious any of the other claimed features directly related with an operating system reinstallation during a testing process such as querying the common information point to determine any of the plurality of test portions that were completed by the test system prior to the reinstallation of the operating system.

Moreover, Applicant submits that since Meyer et al. does not teach or render obvious the reinstallation of the operating system in a test computer, Meyer et al. could not teach or render obvious the reinstallation of the operating system in the middle of a test comprising a plurality of test portions such that the testing is resumed on the remaining test portions.

Therefore, since Allison et al. and Meyer et al., either alone or taken in combination, fail to teach or suggest all the claim limitations as recited in amended independent Claim 1 and similarly Claim 14, Applicant respectfully submits that amended independent Claims 1 and 14 overcome the rejections under 35 U.S.C. §103(a), and are thus in condition for allowance.

Moreover, Claims 2-7 depend on Claim 1 and Claims 15-20 depend on Claim 14 and recite further features of the present claimed invention. Therefore, Applicants respectfully submit that Claims 2-7 and 15-20 overcome the rejections

under 35 U.S.C. §103(a), and that these Claims are thus in a condition for allowance as being dependent on allowable base Claims.

35 U.S.C. §102(b)

Claims 8-13

Claims 8-13 are rejected under 35 U.S.C. §102(b) as being anticipated by Allison et al. (6,094,531). Applicant respectfully submits that embodiments of the present invention are neither taught nor suggested by Allison.

Applicants respectfully direct the Examiner to amended independent Claim 8 that recites an embodiment of the invention:

A computer implemented method of automatic software testing comprising:

installing test driver software comprising a plurality of test portions on a plurality of test systems;

evaluating said test driver software for at least one synchronization requirement within said plurality of test portions;

providing a mapping of a plurality of virtual test system names to real test system names to said test driver software;

providing a test status for each of said plurality of test portions completed by each of said plurality of test systems to a common information point;

monitoring said test status for each of said plurality of test portions completed by each of said plurality of test systems at said common information point to maintain synchronization between said plurality of test systems when said test driver software includes said at least one synchronization requirement;

automatically reinstalling an operating system on said plurality of test systems in response to reinstall command provided by at least one of said plurality of test portions;

querying said common information point to determine which of said plurality of test portions were completed by said plurality of test systems prior to said reinstalling of said operating system; and

resuming said software test on a next of said plurality of test portions remaining after said reinstallation of said operating system.

Support for the Claimed features can be found throughout the Figures and Specification including Figure 4 and pages 16-18 of the Specification.

**“A claim is anticipated only if each and every element as set forth in the claim is found, either expressly or inherently described, in a single prior art reference.” /Verdegaal Bros. v. Union Oil Co. of California/, 814 F.2d 628, 631, 2 USPQ2d 1051, 1053 (Fed. Cir. 1987). ... “The identical invention must be shown in as complete detail as is contained in the ... claim.” /Richardson v. Suzuki Motor Co./, 868 F.2d 1226, 1236, 9 USPQ2d 1913, 1920 (Fed. Cir. 1989).**

Applicant has reviewed Allison et al. and respectfully contends that Allison et al. fails to anticipate each and every element as set forth in the Claim.

In contrast, Applicant understands the Examiner on page 3 line 1 of the present Office Action Mailed 4/2/07 to state that Allison et al. does not describe reinstallation of the operating system. As such, Applicant submits that since Allison et al. does not anticipate the reinstallation of the operating system in a test computer, that Allison et al. could not anticipate any of the other claimed features directly related with an operating system reinstallation such as querying the common information point to determine any of the plurality of test portions that were completed by the test system prior to the reinstallation of the operating system.

Moreover, Applicant submits that since Allison et al. does not anticipate the reinstallation of the operating system in a test computer, Allison et al. could not anticipate the reinstallation of the operating system in the middle of a test comprising a plurality of test portions such that the testing is resumed on the remaining test portions.

Therefore, since Allison et al. fails to anticipate each and every element as recited in amended independent Claim 8, Applicant respectfully submits that amended independent Claim 8 overcomes the rejections under 35 U.S.C. §102(b), and is thus in condition for allowance.

With respect to Claims 9-13, Applicant respectfully points out that Claims 2-6 depend from allowable amended independent Claim 8 and recite further embodiments of the present claimed invention. Therefore, Applicant respectfully submits that Claims 9-13 overcome the rejections under 35 U.S.C. §102(b), and that these claims are thus in a condition for allowance as being dependent on an allowable base claim.

### CONCLUSION

In light of the above amendments and remarks, Applicants respectfully request allowance of Claims 1-20.

The Examiner is invited to contact Applicant's undersigned representative if the Examiner believes such action would expedite resolution of the present application.

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Respectfully submitted,  
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